

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Petitions of Global Crossing)	
Telecommunications, Inc.)	
and SBC Communications, Inc.)	WC Docket No. 04-424
for Declaratory Ruling)	
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COMMENTS OF SPRINT CORPORATION

Sprint Corporation ("Sprint"), on behalf of its wireline and wireless operating divisions, and pursuant to *Public Notice*, DA 04-3865 (released Dec. 8, 2004) and *Order Extending Pleading Cycle*, DA-04-4030 (released December 23, 2004), hereby respectfully submits its reply to the comments on the petitions for declaratory ruling filed by Global Crossing Telecommunications Inc. ("Global Crossing") and SBC Communications, Inc. ("SBC") in the above-captioned proceeding.

In its Comments, Sprint challenged SBC's assertion that it could classify calls from a wireless phone terminating to a landline phone as interstate or intrastate for purposes of assessing access charges by comparing the telephone number assigned to wireless phone, *i.e.*, the calling party number or CPN, to the called landline number. Sprint explained that, under long-standing Commission and court precedent, the geographic locations of the caller and called party are the critical factors for deciding whether a call is interstate or intrastate. Thus, given the mobility afforded by wireless communications, the telephone number assigned to a wireless phone simply

could not be used to determine jurisdiction.¹ And, contrary to SBC's arguments, neither SBC's tariffs nor what SBC claims to be industry practice otherwise justifies SBC's practice here.

The three other parties that filed comments in this proceeding -- AT&T Corporation ("AT&T"), MCI, Inc. ("MCI") and Wiltel Communications, Inc ("Wiltel") -- agree with Sprint. AT&T, for example, states that "[i]n recognition of the fact that wireless telephones can be moved across state lines, it is well settled that the jurisdiction of wireless telephone calls cannot be determined by the telephone number assigned to the wireless telephone," Comments at 5; that "SBC does not dispute (and, indeed, concedes) that its practice of 'determining' jurisdiction by comparing the phone numbers of the called party and calling party causes it to misclassify enormous numbers of calls," *id.* at 3; and that SBC's reliance on its tariffs and industry practice is inapposite. *Id.* at 10-16. MCI also challenges the validity of SBC arguments and urges the Commission to grant Global Crossing's petition.²

¹ SBC concedes that the wireless telephone number does not allow it to determine the geographic location of a wireless caller placing a phone call to a landline line. *See* Petition of Global Crossing at 2 and fn. 2. In fact, when negotiating interconnection agreements with Sprint PCS and presumably other wireless carriers, SBC argues that the wireless telephone number cannot be used to determine whether a wireless call being terminated over local trunks to a landline phone is an intraMTA or interMTA call. Because intraMTA calls are eligible for reciprocal compensation whereas interMTA calls are subject to access charges, SBC insists that wireless carriers use a factor based on traffic studies to determine the split between such inter- and intraMTA calls. Plainly SBC believes that the use of wireless phone numbers for purposes of determining its reciprocal compensation obligations under its interconnection agreements with wireless carriers is problematic. Thus, SBC is internally inconsistent in insisting on using wireless telephone numbers as the basis for determining whether to assess interstate or intrastate access charges on wireless traffic being delivered to SBC by interexchange carriers.

² Global Crossing argues that the so-called entry-exit surrogate (EES) methodology as described in its petition should be used to determine the jurisdiction of wireless traffic. Global Crossing's argument here should be rejected. As Sprint explained in its Comments (at 7-8), Global Crossing proposed use of the EES is ill-defined and could lead to the same types of gaming problems that the Commission examined in the *Thrifty Call* proceeding. *Thrifty Call, Inc., Petition for Declaratory Ruling Concerning BellSouth Telecommunications Inc. Tariff F.C.C. No. 1, Declaratory Ruling*, DA 04-3576 (released November 12, 2004).

Wiltel too urges that the Commission reject SBC's position that it be allowed to compare the wireless number to the called landline number for determining the jurisdiction of the call. As Wiltel points out, "...technological advances and service innovations have rendered [such comparisons] illogical and inconsistent with the law." Wiltel Comments at 3. Use of the wireless telephone number of the calling party "is not an indicator of geographic location." *Id.*

Wiltel goes on to suggest that SBC "can determine the jurisdiction of wireless-originated calls by using other, more reliable numbers in the call detail record such as those contained in the jurisdictional indicator parameter or 'JIP' field." According to Wiltel, "[t]he JIP field contains NPA/NXX calling numbers showing the originating cell site or MTSO of wireless-originated calls." Comments at 7. Populating the JIP field may be an acceptable method for determining the jurisdiction of wireless to wireline calls at least for the types of calls at issue in this matter. In fact, the Ordering and Billing Forum ("OBF") appears to have reached a consensus on how to populate the JIP so as to identify the originating Mobile Switching Center (MSC) of a wireless call.³ However, use of the JIP would have to be implemented industry-wide to be effective and at the present time it is uncertain as to whether all members of the industry are in position to make the technological changes necessary to populate the JIP field. Thus, if as a result of this proceeding the Commission were to find that the use of the JIP is the preferred solution, it will take the industry some time to implement it. In the meantime, and as stated in its Comments, Sprint believes that carriers should be able to use any reasonable and verifiable methodology for

³ The OBF began working on the issue in August 2001 and resolved the issue in December 2004. See Order and Billing Forman Issue Identification Form (OBF Issue Number 2308) Need for Accurate Jurisdictional Information for Accurate Billing. According to the OBF, use of the JIP at the cell site location was the preferred solution. However, because of what the OBF said were "industry limitations," using the JIP at the cell site location "was an unworkable solution." Sprint believes that given such limitations, the JIP cannot be used to determine whether a wireless call being delivered to the LEC over local trunks by the wireless carrier is an inter- or intraMTA call subject to reciprocal compensation.

reporting the jurisdiction of wireless calls being delivered by an IXC to a LEC for termination to a landline phone.

Respectfully submitted,

SPRINT CORPORATION

A large, stylized handwritten signature in black ink, appearing to read 'M. Fingerhut', is written over a horizontal line.

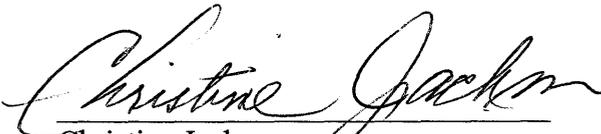
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January 18, 2005

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **COMMENTS OF SPRINT CORPORATION** was filed via electronic mail and copies sent by e-mail or by United States first-class mail, postage prepaid, on this the 18th day of January 2005 to the parties on the attached page.


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January 18, 2005

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